

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Alex Marshall,

Plaintiff,

Case No. 13-cv-11860

Hon. Judith E. Levy

v.

Mag. Judge David R. Grand

Carolyn W. Colvin, Acting
Commissioner of Social Security,

Defendant.

_____/

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S [14]
REPORT AND RECOMMENDATION, GRANTING PLAINTIFF’S
[8] MOTION FOR SUMMARY JUDGMENT, DENYING
DEFENDANT’S [13] MOTION FOR SUMMARY JUDGMENT,
REVERSING THE DECISION OF THE COMMISSIONER, AND
REMANDING FOR FURTHER PROCEEDINGS**

Plaintiff Alex Marshall filed this action on April 25, 2013, seeking review of defendant Commissioner of Social Security’s (“Commissioner”) decision denying his application for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) under the Social Security Act. The case was referred to Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b)(1)(B). The parties filed cross-motions for summary judgment. (Dkt. 8, 13.)

Before the Court is Magistrate Judge Grand's Report and Recommendation on the cross-motions for summary judgment, issued on April 30, 2014. (Dkt. 14.) Magistrate Judge Grand recommends that Marshall's motion be granted; that the Commissioner's motion be denied; and that, pursuant to 42 U.S.C. § 405(g), the Commissioner's decision be reversed and this case remanded to the Administrative Law Judge (ALJ) for further consideration consistent with the Report and Recommendation.

Neither party has filed objections to the Report and Recommendation, and the time for doing so has expired. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The failure to object to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). The failure to object also relieves this Court from its duty to review this matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nonetheless thoroughly reviewed the Report and Recommendation, the parties' cross-motions for summary judgment, and the record as a whole, and agrees with the findings and conclusions of the magistrate judge.

Accordingly, Magistrate Judge Grand's Report and Recommendation (Dkt. 14) is ADOPTED;

Plaintiff's Motion for Summary Judgment (Dkt. 8) is GRANTED;

Defendant's Motion for Summary Judgment (Dkt. 13) is DENIED;

The Commissioner's decision is REVERSED; and

This case is REMANDED to the ALJ for further consideration consistent with the Report and Recommendation.

IT IS SO ORDERED.

Dated: December 3, 2014
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 3, 2014.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager